THE HON'BLE MRS JUSTICE T.MEENA KUMARI

&

THE HON'BLE MR JUSTICE P.LAKSHMANA REDDY

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WRIT PETITION NO :18023 of 2005

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Dated: 06.09.2005

Between:

D. Hari Kumari, W/o G. Babu Rao. .. **Petitioner**

And

1. The Engineer-in-Chief, R & B,

Erramanzil, Hyderabad and

Three others. **.. Respondents**

THE HON'BLE MRS JUSTICE T.MEENA KUMARI

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THE HON'BLE MR JUSTICE P.LAKSHMANA REDDY

WRIT PETITION NO :18023 of 2005

ORDER: (Per Hon'ble Smt. Justice T. Meena Kumari)

This writ petition is filed seeking a direction, in the nature of writ of mandamus, to set aside the order dated 8.8.2005 passed by the A.P. Administrative Tribunal in O.A.No.6019 of 2004 and to declare the action of the 1st respondent in issuing the

proceedings No.9242/OP-I(1)/2000, dated 25.10.2004, as illegal and arbitrary.

The case of the writ petitioner is that she joined as Junior Assistant in the year 1977 in the Office of the 3rd respondent. Subsequent to her marriage, as her husband is working in Hyderabad, on her request and on mutual consent, she was transferred to Hyderabad and the 4th respondent was transferred to Guntur, vide proceedings dated 7.2.2005. issued by the 1st respondent. While so, the Government vide Memo No.4632/Ser.III-2/2000, T, R & B Dept., dated 16.7.2004 directed the 1st respondent to cancel the transfer orders issued in the year 1985. Thereafter, the 1st respondent issued show cause notice and subsequently, the impugned proceedings. Hence, the petitioner approached the Tribunal and the Tribunal dismissed the said O.A. Aggrieved by the same, the present writ petition is filed.

The learned Counsel for the petitioner contended that on account of mutual transfer, she has foregone her seniority and promotion to the post of Superintendent and she is the permanent employee in the unit of the 1st respondent. He further contended that the transfer of the petitioner after 20 years of service in the Unit of the 1st respondent, will disrupt the family of the petitioner and therefore, the Tribunal is not justified in confirming the proceedings of the 1st respondent and hence, it is liable to be set aside.

On the other hand, the learned Government Pleader appearing for the official respondents contends that the transfer of the Senior Assistants from one zone to another zone attracts Zonal regulations and the Government is only competent to affect such transfers and the mutual transfers made by the 1st respondent in the year 1985 is contrary to the regulations.

Perused the material available on record.

As can be seen from the record, it appears, the matter relates to zonal transfers. The petitioner and the 4th respondent were transferred on mutual basis from one Zone to another Zone. The main contention of the petitioner is that she was transferred to Hyderabad from Guntur on mutual basis way back in the year 1985 and she is the permanent employee in the unit of the 1st respondent. The show cause notice issued by the 1st respondent falsifies the said contention of the

petitioner. The show cause notice clearly goes to show that when the 1st respondent sought for necessary orders from the Government for permanent absorption of the petitioner and the 4th respondent in their respective zones, the Government issued the Memo dated 16.7.2004 pointing out the mutual transfer made by the 1st respondent, without obtaining permission from the Government, and directed the 1st respondent to cancel such transfers. Pursuant to the directions of the Government, the 1st respondent issued the show cause notice and subsequently, the proceedings dated 25.10.2004. Therefore, it can be said that the proceedings issued by the 1st respondent in compliance with the directions of the Government.

Moreover, the Tribunal, on considering the provisions of the Presidential Order, has rightly observed that the Government is only the competent authority to affect zonal transfers. Pursuant to the directions of the Government, the 1st respondent issued the proceedings canceling the transfer made by him in the year 1985 contrary to the regulations.

In that view of the matter, we are of the view that the Order of the Tribunal does not require any interference by this Court and the writ petition is devoid of merits and the same is liable to be dismissed.

Accordingly, this writ petition is dismissed. No order as to costs.

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Justice T. Meena Kumari

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Justice P. Lakshmana Reddy

Dated: 06.09.2005

Nn.